

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE NORTHERN DISTRICT OF MISSISSIPPI**

**IN RE:**

**CHAPTER 13 CASE NO.:**

**SHERONDA TUCKER AND  
JIMMY TUCKER**

**23-11270-JDW**

**OBJECTION TO CONFIRMATION OF  
FOURTH AMENDED CHAPTER 13 PLAN (DKT. #52)**

COMES NOW the Chapter 13 Trustee, Locke D. Barkley (the "Trustee"), by and through counsel, after reviewing the voluntary petition (the "Petition"), Schedules, Statement of Financial Affairs, and conducting the Section 341(a) Meeting of Creditors, and files this Objection to Confirmation of Fourth Amended Chapter 13 Plan (the "Objection"), and in support thereof states as follows:

1. The Debtors commenced this proceeding by filing a voluntary petition on April 26, 2023 (the "Petition Date"). The Debtors filed a proposed Fourth Amended Chapter 13 Plan (Dkt. #52) (the "Plan") on October 2, 2023.

2. The Debtors are below median income, and the proposed term of the Plan is sixty (60) months. Section 5.1 of the Plan does not provide for a distribution to nonpriority unsecured creditors. The liquidation value in Section 5.1 of the Plan is \$39,987.92.

3. The Plan fails to comply with 11 U.S.C. §§ 1325(a)(9) and 1308. The Debtor, Sheronda Tucker, has failed to file her 2022 state tax return according to the Proof of Claim filed by the Mississippi Department of Revenue (Clm. #10-1).

4. The Plan fails to comply with 11 U.S.C. § 1325(a)(1). Section 3.1(a) of the Plan provides that the ongoing mortgage payments shall be paid beginning in November to Ronald Anderson ("Anderson"). However, the Plan will not be sufficiently funded to allow for the disbursement to Anderson and all other creditors at confirmation because the amount of the plan

payment will increase from \$834.00 to \$1,898.00 monthly effective November 2023, and because of the existing delinquency in the amount of \$834.00 through October 2023 as of as of October 26, 2023.

5. The Debtors should timely remit all plan payments due under the Plan prior to the hearing, or the case should be dismissed for failure to comply with the proposed Plan.

6. For the reasons set forth herein, the Trustee submits that confirmation of the Plan should be denied, and the case should be dismissed.

WHEREFORE PREMISES CONSIDERED, the Trustee respectfully requests that upon notice and hearing that this Court enter its order sustaining the Objection. The Trustee prays for other such general and specific relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: October 27, 2023.

Respectfully submitted,

**LOCKE D. BARKLEY**  
**CHAPTER 13 TRUSTEE**

BY: /s/ Melanie T. Vardaman  
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**CERTIFICATE OF SERVICE**

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system. I hereby certify that I either mailed by United States Postal Service, first-class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: October 27, 2023.

/s/ Melanie T. Vardaman

MELANIE T. VARDAMAN